(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,C.G.
WRIT PETITION NO. 686 /2003

(Petition under article 226/227 of the Constitution of India)

PETITIONERS :

1) Dayaram, aged about 75 years, S/o Late Surit Ram Agharia,
2) Peetamber Singh, aged about 73 years, S/o late Surit Ram Agharia,
3) Rishi Ram aged about 69 years, S/o late Surit Ram Agharia,
4) Sant Ram aged about 43 years, S/o late Braj Bhusan Singh Agharia,
5) Bharat Ram, aged about 40 years, S/o late Braj Bhusan Singh Agharia,

All R/o gram Kenabhata, tahsil Dabhara, Distt. Janjgir –Champa (C.G.)

P. R. No. ... Received by Shri ... dated ... 18.02.03

VERSUS

RESPONDENTS :

1) State of Chhattisgarh, through the Sectretary, Water Resources Deptt. D.K. Bhawan Raipur (C.G.)
2) Superintendent Engineer, Minimata Bango Canal Division, Kharsia, Distt. Raigarh (C.G.)
3) Executive Engineer, Bango project Division Dabara, Tahsil Dabara, Distt. Janjgir Champa (C.G.)
4) Sub Divisional Officer, Mini Dam Bango Division Dabara, Tahsil Dabara, Distt. Janjgir Champa. (C.G.)

WRIT PETITION UNDER ARTICLE 226/ 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS, ORDERS AND DIRECTIONS ETC.

RECEIVED COPY 18/2/03 CLERK TO A.G. BILASPUR

1. Particulars of the petitioner

As stated in the cause title above.

(47)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.6826/ सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	07.11.2003 Shri Vishnu Koshta, Counsel for the petitioners. Shri Gautam Bhaduri, Dy. A.G. for the State. Heard. Petitioner's contention is that the State authorities marked the land for construction of Nayapara Mining Canal. The respondents filed the return in which it has been stated that acquisition proceedings as per the law have been started. It has been further stated that the alignment has been marked on the ground by fixing central line for the sub-river which passes through the land of the petitioner. Para 10 of the return is relevant and quoted herein below: -2-	

GRPRJ—FS/350—12/2000—50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

"10. Contents of paragraph 5.4 of the petition are denied. It is respectfully submitted that the alignment has been marked on the ground by fixing the central line stone for survey work which passes through the part of the land of the petitioners. It is respectfully submitted that only 0.061 hectares land of the petitioners would come under the Minor Canal which is about 14% of the total land of that Khasra. It is respectfully submitted that there is no Govt. land available near the canal alignment. As regards representations made by the petitioners, it is respectfully submitted that the representations cannot be considered by the answering respondents in view of the fact that notification has already been issued by the Land Acquisition Officer and whatever objections are required to be raised are to be raised before that authority."

- 3 -

GRPRJ—FS/350—12/2000—50,000.

(49)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	In para 17 of the return it has also been stated that the proceedings before the Land Acquisition Officer have been started and it is open to the parties to avail remedy under the law. In view of the pleadings of the return, this petition is disposed of with liberty to the petitioners to participate in the proceedings as per the law. Certified copy as per rules. Sd/- Fakhruddin Judge	

Rao/-

S/350—12/2000—50,000.